

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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FEDERAL TRADE COMMISSION,

Plaintiff,

-against-

THE CUBAN EXCHANGE, INC. and
SUHAYLEE RIVERA,

Defendants.
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NICHOLAS G. GARAUFIS, United States District Judge.

ORDER

12-CV-5890 (NGG) (RML)

Plaintiff Federal Trade Commission commenced this action on November 28, 2012, alleging violations of Section 5(a) of the Federal Trade Commission Act, 15 U.S.C. § 45(a), and the Telemarketing Sales Rule, 16 C.F.R. § 310. (Compl. (Dkt. 1).)

After Defendants failed to answer or appear in this case, Plaintiff moved for default judgment against all Defendants on February 6, 2014. (Pl. Mot. for Default J. (Dkt. 27).) On February 12, 2014, the court referred this motion to Magistrate Judge Robert M. Levy for a Report and Recommendation ("R&R") pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b)(1). (Dkt. 28.) On June 25, 2014, Judge Levy issued an R&R, recommending that Plaintiff's motion be granted, and that a permanent injunction be issued against Defendants. (R&R (Dkt. 31).)

No party has objected to Judge Levy's R&R, and the time to do so has passed. See Fed. R. Civ. P. 72(b)(2). (See also R&R at 16 ("Any objections to this Report and Recommendation must be filed with the Clerk of the Court, with courtesy copies to Judge Garaufis and to my chambers, within fourteen (14) days. Failure to file objections within the specified time waives the right to appeal the district court's order.")) Therefore, the court reviews the R&R for clear

error. See Gesualdi v. Mack Excavation & Trailer Serv., Inc., No. 09-CV-2502 (KAM), 2010 WL 985294, at *1 (E.D.N.Y. Mar. 15, 2010); La Torres v. Walker, 216 F. Supp. 2d 157, 159 (S.D.N.Y. 2000); cf. 28 U.S.C. § 636(b)(1). Finding no clear error, the court adopts the R&R in full. See Porter v. Potter, 219 F. App'x 112 (2d Cir. 2007).

Accordingly, the court ADOPTS IN FULL the R&R and ISSUES an injunction, as delineated in the Final Default Judgment and Order for Permanent Injunction annexed to this Order.

SO ORDERED.

Dated: Brooklyn, New York
July ~~28~~, 2014

s/Nicholas G. Garaufis
NICHOLAS G. GARAUFIS
United States District Judge